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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,039	03/31/2004	Richard E. Eck	RP-01300-US2	4143
28735	7590	01/31/2005	EXAMINER	
BOMBARDIER RECREATIONAL PRODUCTS INC INTELLECTUAL PROPERTY DEPT PO BOX 230 NORTON, VT 05907-0230			OLSON, LARS A	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/813,039

Applicant(s)

ECK ET AL.

Examiner

Lars A Olson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 7, 12, 14 and 20 is/are rejected.
- 7) ☒ Claim(s) 2-4, 6, 8-11, 13 and 15-19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5, 7, 12, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson et al. (US 5,979,350) in view of Smith et al. (US 6,691,637).

Larson et al. discloses a watercraft, as shown in Figures 9-13, that is comprised of a hull, a deck disposed on said hull, and a water sport tower, defined as Part #100, that is further comprised of a support structure with an inverted, generally U-shaped configuration that is releasably mounted to a pair of side supports, defined as Part #122, and an overhead structure, defined as Part #108 in Figures 12 and 13, said overhead structure being further comprised of first and second substructures, as shown in Figure 12, and a towline connector, defined as Part #120, that is provided on said first substructure.

Larson et al., as set forth above, discloses all of the features claimed except for the use of a protective cover that extends between first and second substructures of said overhead structure.

Smith et al. discloses a T-top for a watercraft; as shown in Figures 1-5, and a method for covering a passenger area of a watercraft using said T-top, which is

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comprised of a protective cover or canopy assembly, defined as Part #20, that extends between and is secured to a first substructure and a second substructure of an overhead structure for a watercraft, as shown in Figure 5.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a protective cover mounted to an overhead structure for a watercraft, and a method for covering a passenger area of a watercraft, as taught by Smith et al., in combination with the water sport tower for a watercraft as disclosed by Larson et al. for the purpose of providing an overhead structure for a watercraft, and an overhead structure method for covering a passenger area of a watercraft, with a means for providing shade and shelter for occupants of said watercraft, as well as a means for connecting a towline to said overhead structure.

Allowable Subject Matter

3. Claims 2-4, 6, 8-11, 13 and 15-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Metcalf (US 6,792,888) discloses a wake tower for a watercraft, where said wake tower has a towline connector. Tull (US 6,725,799) discloses a T-top for a watercraft. Murphy et al. (US 6,439,150) discloses a pivotable shade cover

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assembly for a watercraft. Biedenweg (US 6,209,477) discloses a power retractable top for a watercraft. King et al. (US 5,520,139) discloses a boat canopy with a retractable support structure for a watercraft.

5. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

January 24, 2005

LARS A. OLSON
PATENT EXAMINER

Lars Olson
1/24/05